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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 JONATHAN LEE RICHES,

9 Plaintiff,

10 v.

11 DENZEL WASHINGTON, et al.,

12 Defendants.

) No. C 07-5867 MJJ (PR)

) **ORDER OF DISMISSAL**

13  
14 Plaintiff, a federal prisoner proceeding pro se, filed this pro se complaint against  
15 Denzel Washington and other individuals involved in the making of the movie "American  
16 Gangster."

17 A federal court must conduct a preliminary screening in any case in which a prisoner seeks  
18 redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. §  
19 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims that  
20 are frivolous, malicious, fail to state a claim upon which relief may be granted or seek monetary  
21 relief from a defendant who is immune from such relief. See id. § 1915A(b)(1),(2). Pro se pleadings  
22 must, however, be liberally construed. See Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699  
23 (9th Cir. 1988). To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential  
24 elements: (1) that a right secured by the Constitution or laws of the United States was violated, and  
25 (2) that the alleged violation was committed by a person acting under the color of state law. See  
26 West v. Atkins, 487 U.S. 42, 48 (1988).

27 Sections 1915A and 1915(e)(2) accord judges the unusual power to pierce the veil of

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1 the complaint's factual allegations and dismiss as frivolous those claims whose factual  
2 contentions are clearly baseless. See Denton v. Hernandez, 504 U.S. 25, 32 (1992).  
3 Examples are claims describing fantastic or delusional scenarios with which federal district  
4 judges are all too familiar. See Neitzke v. Williams, 490 U.S. 319, 328 (1989). To pierce the  
5 veil of the complaint's factual allegations means that a court is not bound, as it usually is  
6 when making a determination based solely on the pleadings, to accept without question the  
7 truth of the plaintiff's allegations. See Denton, 504 U.S. at 32. A finding of factual  
8 frivolousness is appropriate when the facts alleged rise to the level of the irrational or the  
9 wholly incredible, whether or not there are judicially noticeable facts available to contradict  
10 them. See id. at 32-33.

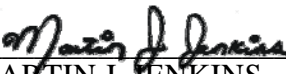
11 Plaintiff alleges defendants are violating his Sixth Amendment rights by distributing  
12 the movie "American Gangster." According to plaintiff, the movie promotes crime "which  
13 leads to tougher sentencing laws, which affects me." Plaintiff further alleges defendants'  
14 movie "is in violation of the Trading with Enemy Act, using the proceeds to buy machine  
15 guns and uzis for Syrian Hezbollah." Plaintiff seeks an order compelling defendants to "stop  
16 making movies." As plaintiff's allegations are clearly baseless, irrational or wholly  
17 incredible, the complaint will be dismissed as frivolous under sections 1915A and  
18 1915(e)(2).

19 For the foregoing reasons, this action is DISMISSED.

20 The Clerk shall close the file.

21 IT IS SO ORDERED.

22 DATED: 12/18/07

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MARTIN J. JENKINS  
United States District Judge